

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

PAULA C. COONLEY,)	
)	
Plaintiff,)	
v.)	No. 1:07-CV-230
)	
MICHAEL J. ASTRUE,)	Judge Collier / Judge Carter
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff Paula C. Coonley's ("Plaintiff") motion for attorney's fees pursuant to 42 U.S.C. § 406(b) (Court File No. 28). Plaintiff's attorney was previously awarded \$6,063.40 in attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d) (Court File No. 27). On February 5, 2010, United States Magistrate Judge William B. Carter filed a report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), recommending Plaintiff's motion be granted (Court File No. 35). The magistrate judge recommends a total award of \$19,959.00, representing twenty-five percent of past due benefits. The magistrate judge further recommends this award be subject to an offset of \$6,063.00 for fees previously awarded under the EAJA, meaning Plaintiff's attorney would receive only an additional \$13,896.00. Neither party filed an objection to the report and recommendation.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. The Court **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) (Court File No. 35). Accordingly, the Court **GRANTS** Plaintiff's motion for attorney's fees (Court File No. 28) and **ORDERS** Defendant to pay Plaintiff's attorney's fees in the amount of

\$19,959.00, subject to the offset of \$6,063.00 in fees previously awarded.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE